

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,053
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of PATH reducing his ANFC grant based on his no longer incurring shelter costs. The issue is whether the Department timely notified the petitioner of its action.

FINDINGS OF FACT

1. In February 2001 the petitioner reported to the Department that he had stopped paying rent for the apartment where he was living based on a dispute he was having with his landlord.

2. Sometime shortly thereafter the Department notified him that it was reducing his ANFC grant due to his no longer paying rent. The Department quickly discovered that this action was erroneous (the regulations allow for a shelter component of ANFC to be paid whenever a household is incurring rent) and it promptly notified the petitioner that his grant was being restored to its previous level (\$760). The

petitioner suffered no permanent loss of benefits due to this error.

3. At the end of March, however, the petitioner was evicted from this apartment and he and his family moved in with a friend. The petitioner reported to the Department that he was not being charged any rent in his new housing situation.

4. In a notice dated April 4, 2001, the Department notified the petitioner that because of the reduction in his shelter costs his ANFC would be reduced from \$760 to \$512 a month effective April 15, 2001. However, the reduction of ANFC income resulted in an increase in his Food Stamps from \$336 to \$365 a month.

5. The petitioner claims not to have received this notice, even though at the hearing (held on May 8, 2001) the Department produced a computer record indicating it was sent to his correct address. When he received a reduced ANFC check on April 15, 2001, he called the district office and requested a hearing.

6. The petitioner does not dispute the factual or legal bases of the Department's decision. He admits he is not incurring housing costs at his new address and does not

dispute that under the regulations this results in a lower payment of ANFC.

ORDER

The Department's decision is affirmed.

REASONS

The Department has established that it mailed a timely notice to the petitioner regarding the reduction of his ANFC benefits. Although the petitioner may not have received it, this fact alone does not establish that it was not sent to his address.

The petitioner takes no issue with the underlying basis of the Department's action. Even if he were to prevail on the notice issue in this matter he would be liable to repay to the Department the small (around \$100) difference in ANFC he would have received for the period from April 15 to April 30. However, there being no credible basis to find that the Department did not provide the petitioner with a timely notice of its action, its decision in this matter must be affirmed.

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